THE HON'BLE SRI JUSTICE A. GOPAL REDDY

W.P.NO.8893 OF 1995

Date: 16.03.2006

Between:

Sharif Ahmed & others

…. Petitioners

and

District Collector, Krishna district at Machilipatnam & another.

… Respondents

THE HON'BLE SRI JUSTICE A. GOPAL REDDY

W.P.NO.8893 OF 1995

O R D E R:

In this writ petition filed under Article 226 of the Constitution of India, the petitioners challenge the notification dated 29.09.1994 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') and the declaration under Section 6 of the Act, dated 21.01.1995, on the premise that the enquiry under Section 5-A of the Act has been dispensed with.

The petitioners claim to be the owners and possessors of land in an extent of Acs.6.00 in Sy.Nos. 550/1 and 550/2 situated at Pedana village and mandal,

Krishna District. The respondents are said to have issued notification under Section 4(1) of the Act proposing to acquire the lands of the petitioners for the purpose of construction of houses for weaker sections of the society. Now, the main grievance of the petitioners is that the enquiry under Section 5-A of the Act has been dispensed with.

In the counter-affidavit filed by the second respondent, it is categorically asserted that the notices under Section 5-A were published in the locality and the contents thereof were informed to the public in general and to the persons interested. It is stated that as the pattedars and possessors were not available in the village, notices were displayed in the lands proposed for acquisition, informing the date of enquiry as 24.11.1994. Since no interested person attended the enquiry, the Land Acquisition Officer proceeded for publishing the draft declaration under Section 6 of the Act.

Heard the learned counsel for the petitioners and the learned Government Pleader for Land Acquisition.

Admittedly, the main grievance of the petitioners is that the enquiry under Section 5-A of the Act has been dispensed with, consequently they were deprived of the opportunity of being heard. In the counter affidavit filed by the second respondent, it has been stated that notices under Section 5-A of the Act, specifying the date of enquiry as 24.11.1994, were published and the same were affixed in the lands, which were proposed for acquisition.

In view of the categorical assertions made in the counter-affidavit, I do not find any merits in the writ petition.

The writ petition, therefore, fails and the same is accordingly dismissed. There shall be no order as to costs.

16.03.2006

ksld